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EXAMINER
DARE, RYAN A

ART UNIT	PAPER NUMBER
2186	

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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) OR THIRTY (30) DAYS,
WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed
  after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
  Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any
  earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on <u>21 May 2008</u>.
2a)☒ This action is **FINAL**.   2b)☐ This action is non-final.
3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is
    closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) <u>1-17</u> is/are pending in the application.
    4a) Of the above claim(s) _____ is/are withdrawn from consideration.
5)☐ Claim(s) _____ is/are allowed.
6)☒ Claim(s) <u>1-17</u> is/are rejected.
7)☐ Claim(s) _____ is/are objected to.
8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.
10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.
    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
    a)☒ All   b)☐ Some *   c)☐ None of:
      1.☒ Certified copies of the priority documents have been received.
      2.☐ Certified copies of the priority documents have been received in Application No. _____.
      3.☐ Copies of the certified copies of the priority documents have been received in this National Stage
        application from the International Bureau (PCT Rule 17.2(a)).
    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1)☐ Notice of References Cited (PTO-892)
2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3)☐ Information Disclosure Statement(s) (PTO/SB/08)
    Paper No(s)/Mail Date _____.

4)☐ Interview Summary (PTO-413)
    Paper No(s)/Mail Date. _____
5)☐ Notice of Informal Patent Application
6)☐ Other: _____.

DETAILED ACTION

Claim Rejections - 35 USC § 101

1.   35 U.S.C. 101 reads as follows:

> Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

Claim 17 is rejected under 35 U.S.C. 101 because the claimed invention is directed to

non-statutory subject matter. Claim 17 is comprised of a method existing on a signal

processing system. A software program/method can be embodied on a hardware

storage system to be considered statutory, but may not only exist as an electronic

signal, which is non-statutory.

Claim Rejections - 35 USC § 102

2.   The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that

form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3.   Claims 1-17 are rejected under 35 U.S.C. 102(b) as being anticipated by

Yonemitsu et al., US Patent 5,734,787.

4.   With respect to claim 1, Yonemitsu teaches a method for dividing user storage

space of an optical disc into one or more storage sections where a specific application

is allowed to write and one or more sections where said application is not allowed to

write; the method comprising the steps of: defining one or more availability parameter(s)

which define(s) location and/or extent of at least one application-allowed storage

section, in col. 11, lines 12-49.

5.   With respect to claim 2, Yonemitsu teaches the method according to claim 1,

wherein at least some of said one or more availability parameter(s) is(are) incorporated

in a standard format for the application concerned, in col.12, lines 37-65.

6.   With respect to claim 3, Yonemitsu teaches the method according to claim 1 or 2,

wherein at least some of said one or more availability parameter(s) is(are) variable

parameters whose value(s) is(are) stored in a predetermined area or location of storage

space of the disc, in col. 11, lines 12-49

7.   With respect to claim 4, Yonemitsu teaches the method according to any of claim

1, wherein at least one of said availability parameter(s) defines a borderline address

between an application-allowed storage section and an application-forbidden storage

section, in col. 11, lines 12-49.

8.   With respect to claim 5 Yonemitsu teaches the method according to claim 1,

wherein at least one of said availability parameter(s) defines an extremity address of an

application-allowed storage section, in col. 11, lines 12-49.

9.   With respect to claim 6, Yonemitsu teaches the method according to any of claim

1i, wherein at least one of said availability parameter(s) defines a length of an

application-allowed storage section, in col. 11, lines 12-49.

10.   With respect to claim 7, Yonemitsu teaches a user-writeable optical disc having

user storage space divided into one or more storage sections where a specific

application is allowed to write and one or more sections where said application is not

allowed to write; the optical disc comprising a predetermined area or location of storage

space where one or more availability parameter(s) is(are) stored which define(s)

location and/or extent of at least one application-allowed storage section, in col. 11,

lines 12-49.

11.   With respect to claim 8, Yonemitsu teaches the user-writeable optical disc

according to claim 7, wherein at least one of said availability parameter(s) defines a

borderline address between an application-allowed storage section and an application-

forbidden storage section, in col. 11, lines 12-49.

12.   With respect to claim 9, Yonemitsu teaches the user-writeable optical disc

according to claim 7, wherein at least one of said availability parameter(s) defines an

extremity address of an application-allowed storage section, in col. 11, lines 12-49.

13.   With respect to claim 10, Yonemitsu teaches the user-writeable optical disc

according to claim 7, wherein at least one of said availability parameter(s) defines a

length of an application-allowed storage section, in col. 11, lines 12-49.

14.   With respect to claim 11, Yonemitsu teaches the user-writeable optical disc

according to claims 7, wherein the values of said parameters are stored as a table in a

predetermined area or location of storage space of the disc, in col. 12, lines 37-65.

15.   With respect to claim 12, Yonemitsu teaches the User-writeable optical disc

according to claim 11, wherein said table contains at least one entry defining the length

of the table, in col. 12, lines 37-65.

16.   With respect to claim 13, Yonemitsu teaches a method of writing information to

an optical disc comprising the steps of: determining the value of the availability

parameter(s); determining at least one predefined application-allowed storage section

on the basis of said availability parameter(s); consulting application-specific recording

location information regarding location and extent of recorded areas; selecting, within

said application-allowed storage section, free area suitable for accommodating the

information to be written, taking into account said recorded areas as determined by said

application-specific recording location information; writing said information within said

free area thus selected, in col. 11, lines 12-49 where the program area expands as

tracks are sequentially recorded.

17.   With respect to claim 14, Yonemitsu teaches the method of writing information to

an optical disc according to claim 7, comprising the steps of: reading the availability

parameter(s) from disc; determining at least one predefined application-allowed storage

section on the basis of said availability parameter(s); consulting application-specific

recording location information regarding location and extent of recorded areas;

selecting, within said application-allowed storage section, free area suitable for

accommodating the information to be written, taking into account said recorded areas

as determined by said application-specific recording location information; writing said

information within said free area thus selected, in col. 11, lines 12-49.

18.   With respect to claim 15, Yonemitsu teaches the method according to claim 13,

wherein writing to an address outside said application-allowed storage section is

avoided, in col. 11, lines 12-49.

19.   With respect to claim 16, Yonemitsu teaches the method according to claim 14,

wherein, if it appears that the size of the free area is insufficient to accommodate the

information to be written, the following steps are taken: determining whether the application-forbidden storage section outside said application-allowed storage section, either by itself or in combination with the free area already found, contains a storage space portion suitable and sufficient for accommodating the information to be written; amending at least one of said availability parameter(s) such as to increase the size of said application-allowed storage section, in col. 11, lines 12-49 where the program area is expanded as the tracks are sequentially written.

20.   With respect to claim 17, Yonemitsu teaches this, as discussed above in the rejection of claim 1.

Response to Arguments

21.   Applicant's arguments filed 5/21/08 have been fully considered but they are not persuasive. Applicant argues that Yonemitsu does not teach an availability parameter which defines location and/or extent of at least one application-allowed storage section. The Examiner disagrees. As discussed in col. 11, lines 12-49 and Applicant's remarks, the disk is divided into a lead-in area, application program read/write area and lead-out area. The lead-in area is a storage section where the application is not allowed to write. The application program read/write area is an area where the application is allowed to write. The variable that defines the end of the program read/write area is a parameter used to define the application allowed storage section. Claim 17 is still rejected as nonstatutory for the same reasons as in the prior Office Action.

Conclusion

22.   **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time

policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE

MONTHS from the mailing date of this action. In the event a first reply is filed within

TWO MONTHS of the mailing date of this final action and the advisory action is not

mailed until after the end of the THREE-MONTH shortened statutory period, then the

shortened statutory period will expire on the date the advisory action is mailed, and any

extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of

the advisory action. In no event, however, will the statutory period for reply expire later

than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the

examiner should be directed to RYAN DARE whose telephone number is (571)272-

4069. The examiner can normally be reached on Mon-Fri 9:30-6.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's

supervisor, Matt Kim can be reached on (571)272-4182. The fax phone number for the

organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the

Patent Application Information Retrieval (PAIR) system. Status information for

published applications may be obtained from either Private PAIR or Public PAIR.

Status information for unpublished applications is available through Private PAIR only.

For more information about the PAIR system, see http://pair-direct.uspto.gov. Should

you have questions on access to the Private PAIR system, contact the Electronic

Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a

USPTO Customer Service Representative or access to the automated information

system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Matt Kim/
Supervisory Patent Examiner, Art
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/Ryan Dare/
July 18, 2008